

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMMANUEL MASSANJE KONNE,

Plaintiff,

v.

CIVIL ACTION NO.
1:15-CV-3442-WSD-LTW

AIRSERVE CORPORATION,

Defendant.

**MAGISTRATE JUDGE'S ORDER AND
FINAL REPORT AND RECOMMENDATION**

Currently before the Court is Plaintiff's Counsel's Notice of Withdrawal as Legal Counsel for Plaintiff, Emmanuel Massanje Konne ("Plaintiff"), (Doc. 22), and this Court's January 11, 2017 Show Cause Order (Doc. 23).

In her Notice, Plaintiff's counsel has explained that Plaintiff has failed to continue any communication with her since May 2016 and appears to have abandoned his case. (Doc. 22). This Court explained to Plaintiff that his failure to file a response to the Notice would indicate that he has no opposition to the motion under Local Rule 7.1B. (Doc. 23). The Court thereafter ordered Plaintiff to respond to the Notice of Withdrawal, and warned him that failure to do would be interpreted to mean "that he does not oppose his counsel's current request to withdraw." (Id. (emphasis in original)). Plaintiff has not responded within the allotted time period. Accordingly, this Court understands that Plaintiff is not opposed to his Counsel's withdrawal, and Plaintiff's

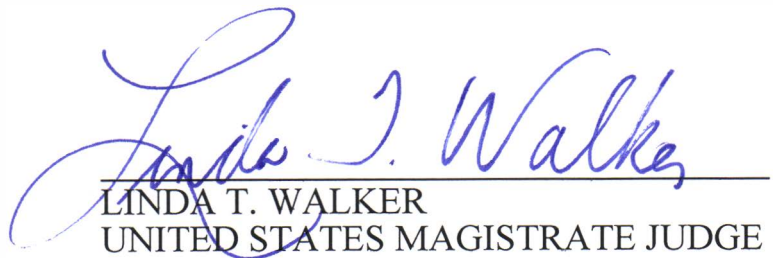
Counsel's Notice of Withdrawal as Legal Counsel for Plaintiff is **GRANTED**. (Doc. 22).

Additionally, in the Court's Show Cause Order, the Court ordered Plaintiff to show cause within fourteen (14) days why this case should not be dismissed for Plaintiff's failure to prosecute his case. (Doc. 23 (citing LR 41.3(A)(3) NDGa. (providing that a Court may dismiss a civil case for want of prosecution if a case has been pending in this Court for more than six (6) months without any substantial proceedings of record having been taken in the case)). Plaintiff was specifically warned that "his failure to respond to the instant Show Cause Order [will] indicat[e] that he is not interested in prosecuting his case . . . [and] **this Court will recommend the dismissal of Plaintiff's lawsuit.**" (Id. (emphasis in original)).

Plaintiff has failed to respond to the Court's Show Cause Order, and has demonstrated no interest in pursuing his case. Thus, Plaintiff has both ignored the Court's order, and has not taken any other action before this Court to prosecute his lawsuit. Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.3(A) provide that the Court may dismiss a case for want of prosecution if a plaintiff refuses to obey a lawful Order of the Court. Fed. R. Civ. P. 41(b); LR 41.3(A), NDGa.; see also LR 41.2C NDGa. ("The failure . . . of a party appearing pro se to keep the clerk's office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action . . ."); Fed. R. Civ. P. 41(b).

Because Plaintiff has refused to obey lawful orders of the Court and seems uninterested in pursuing this lawsuit, this Court **RECOMMENDS** that Plaintiff's case be **DISMISSED** for want of prosecution. As this is a final Report and Recommendation and there are no other matters pending before this Court, the Clerk is directed to terminate the reference to the undersigned.

SO ORDERED AND REPORTED AND RECOMMENDED, this 22 day of February, 2017.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE